

**REMARKS**

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action.

Claims 6, 14, 22 and 29 were rejected under 35 U.S.C. §112 because the specification did not include language consistent with those claims. Applicant has amended the specification to include a new paragraph [0035.01] that describes what is within claims 6, 14, 22 and 29, for example. No new matter has been entered as the language added to the specification is entirely consistent with the originally filed claims, which are part of the original disclosure.

The other changes to the specification are clerical and do not introduce any new matter.

Applicant respectfully submits that the rejections under 35 U.S.C. §102 and §103 based upon the 3<sup>rd</sup> Generation Partnership Project (3GPP) - Technical Specification Group Radio Access Network (Release 1999), should be withdrawn. That document does not qualify as prior art against Applicant's invention.

Applicant submits a Declaration under Rule 131 by the inventor, David Huo, indicating that Applicant had conceived the claimed invention prior to the March publication date of that document. After conception, Applicant was working toward having the invention approved by a standards group and, during that time period, began the process of having a patent application prepared for the invention. Applicant's invention was constructively reduced to practice by the filing of the patent application on June 27, 2001. Applicant respectfully submits that the short time between the conception (at least as early as February, 2001) and the reduction to practice (June 27, 2001) is a

short time during which Applicant and patent counsel were diligently working toward a reduction to practice. Applicant submits, therefore, that Applicant is entitled to a date of invention at least as early as prior to the publication of the 3GPP document relied upon by the Examiner in making the rejections.

Without that document qualifying as prior art, all of Applicant's claims are allowable.

If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Applicant hereby petitions to extend the time for filing a response to the Office Action mailed March 3, 2005 for three months, the period to end on September 3, 2005. Applicant believes that additional fees in the amount of \$1,020.00 are required for a three month extension. A check in the amount of \$1,020.00 is enclosed. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

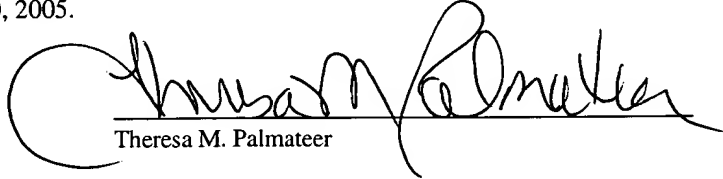
By: 

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Dated: August 10, 2005

**CERTIFICATE OF MAILING**

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on August 10, 2005.



Theresa M. Palmateer

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